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REMARKS

1. Claims 1-3, 5-9 and 11-12, were rejected under 35 U.S.C. 102(e) as being anticipated by Huomo et al. (US Pub 2003/0022671); and claims 4 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Huomo et al. . These rejections are respectfully traversed.

Generally, applicant's disclosure describes a method whereby a party engaged in a call using a first communication unit can initiate a call transfer to a second communication unit (e.g., wireless to wireline phone, or vice versa) by entering a code or the like that is received and processed by a switching element (e.g., mobile switching center (MSC)). Responsive to receiving the request, the MSC consults a database to identify a second communication unit that is designated to receive call transfers from the first communication unit. Having identified the second communication unit, the MSC attempts to connect the second communication unit while maintaining a connection to the first communication unit; and if the connection is successful, the MSC drops the first communication unit from the call, thereby transferring the call from the first communication unit to the second communication unit.

Claims 1 and 8 were amended in the RCE filed 21 December 2006 to more clearly recite a user-initiated request for call transfer, i.e., one that is affirmatively requested by a human operator of a first communication unit. For example, as stated in page 5, lines 28-31 of applicant's specification, a mobile party may invoke a transfer request by entering a code (e.g., *88), pressing a button, using a point-and-click method or generally any appropriate user interface available to the mobile party. These amendments are believed to clearly distinguish over the Huomo publication.

Huomo describes a system in which a cell phone monitors the level of its battery power and, when the battery power dips below a predetermined threshold, the cell phone signals a serving mobile switching center to transfer the call to an alternate phone. Optionally, the MSC may place the call on hold for a predetermined period of time, to allow sufficient time for the cell phone user to replace the battery. Following the designated waiting period, the MSC will attempt to reconnect to the original phone before initiating transfer to an alternate phone. In either case (i.e., immediate transfer or automatic transfer following a hold period), the transfer occurs

without any affirmative action by the cell phone user to initiate the call transfer. Thus, Huomo does not describe or suggest a user-initiated request for call transfer, as claimed.

Further, to the extent the Office Action suggests that the user-initiated request for call transfer may be disclosed at paragraph [0032], the applicant respectfully disagrees. Paragraph [0031] describes that in the event that a call is placed on hold to allow for battery replacement of a cell phone 12, an announcement is played to the second party telephone 26 to inform the second party that the call has been placed on hold. Paragraph [0032] describes an option whereby the second party user of telephone 26 is given a choice of remaining on hold or to be immediately transferred to an alternate connection. It is noted, no matter what choice the second party makes, the choice is prompted by the MSC (i.e., upon the condition of system-initiated hold period) responsive to a low battery condition in a first party cell phone. There is no teaching or suggestion that the second party, or the first party, may initiate transfer while engaged in an active call, as claimed.

Accordingly, for the reasons stated above, claims 1 and 8 are believed to distinguish over Huomo and to be in condition for allowance. Claims 2-7 and 9-12 distinguish over Huomo because they depend from claims 1 and 8.

2. In view of the above amendments and remarks, a notice of allowance of claims 1-12 is respectfully requested. The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment to Lucent Technologies Deposit Account No. 12-2325.

Respectfully submitted,

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6

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7